

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Forest Department - Diversion of 80.00 Ha. of forest land, including 4.772 ha of forest land located in safety zone, in Compt.No.703 in Girijanapuram R.L. and Compt.No.589 of Lingamparthi R.F., Lingamparthi Beat, Yeleswaram Section & Range of Kakinada Division, for cluster mining for extraction of laterite, in favour of (8) different applicants in East Godavari District - Permission accorded - Orders - Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (FOR.I) DEPARTMENT

G.O Ms. No. 63

Dated:24 -07-2013.

Read the following:-

1. From PCCF, AP, Hyderabad, Lr.Rc.No.50654/2010/F2, dt.20.1.2012.
2. State Govt. Lr No. 511/FOR.I (1)/2012, Dated:18-02-2012
3. From GOI, MoEF, New Delhi, Lr F .NO. 8-11/2012-FC, Dt. 18-5-2012
4. From PCCF, AP, Hyderabad, Lr.Rc.No.50654/2010/F2, dated. 2-7-2012.
5. State Govt. Lr.No. 511/For.I (1)/2012, Dated: 18-7-2012
6. From GoI, Mo.EF, New Delhi Lr.F.No.8-11/2012-FC, Dt.28-01-2013
7. State Govt. letter No. 511/FOR.I (1)/2012, Dated:9-04-2013.
8. From GoI, MoEF, New Delhi F.No.8-11/2012-FC, dt.8-7-2013.

ORDER:

The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad in his letter 1st read above, has submitted proposals under Forest (Conservation) Act, 1980, for diversion of 75.228 Ha. of forest land, excluding an extent of 4.772 Ha. as safety zone area, in Compt.No.703 in Girijanapuram R.L. and Compt.No.589 of Lingamparthi R.F., Lingamparthi Beat, Yeleswaram Section & Range of Kakinada Division, for cluster mining for extraction of laterite, in favour of the following (8) applicants in East Godavari District, and requested to forward the same to Government of India, Ministry of Environment & Forests, for according necessary approval under Section 2 of Forest (Conservation) Act, 1980.

S. No	Name of the Applicant	Range	Name of the R.L / RF in which mining is proposed	Compt. No.	Area in Ha.	Plot No.
1	Sri A.Srinivas	Yeleswaram	Girijanapuram RL	703	10.00	A
2	Sri V.Veerraju	Yeleswaram	Girijanapuram RL	703	10.00	B
3	Smt M.V.Rajani	Yeleswaram	Girijanapuram RL	703	10.00	C
4	Sri M. Venkateswara Rao	Yeleswaram	Girijanapuram RL & Lingamparthi RF	703	4.12	D
				589	5.88	
				Total	10.00	
5	Smt.AAPK Satyavathi	Yeleswaram	Lingamparthi RF	589	10.00	E
6	Smt A.Usha Rani	Yeleswaram	Lingamparthi RF	589	10.00	F
7	Sri A.Ramesh Babu	Yeleswaram	Girijanapuram RL & Lingamparthi RF	703	3.13	G
				589	6.87	
				Total	10.00	
8	Smt A.Sujatha	Yeleswaram	Girijanapuram RL	703	10.00	H
Grand Total:					80.00	

2. The proposal was sent to Government of India, Ministry of Environment & Forests, for their approval under Section-2 of Forest (Conservation) Act, 1980 vide State Government letter 2nd read above.

3. Government of India, Ministry of Environment & Forests, in the letter 3rd read above, have informed that on the basis of the recommendations of the Forest Advisory Committee, the Central Government declines the approval U/s 2 of Forest (Conservation) Act, 1980.

(Contd-2)

4. Subsequently, the Principal Chief Conservator of Forests, Andhra Pradesh, in his further letter 4th read above, has furnished the replies to the points raised by the Forest Advisory Committee (FAC) and requested to re-consider the proposal.

5. The State Government in the reference 5th read above, have requested the Government of India, Ministry of Environment & Forests, to re-consider the proposal and communicate the approval U/s 2 of Forest (Conservation) Act, 1980 in the matter.

6. The Government of India, Ministry of Environment & Forests, in their letter 6th read above, have accorded their approval in-principle (Stage.I) under Section 2 of Forest (Conservation) Act, 1980, for diversion of 80.00 Ha. of forest land, including 4.772 ha of forest land located in safety zone, in Compt.No.703 in Girijanapuram R.L. and Compt.No.589 of Lingamparthi R.F., Lingamparthi Beat, Yeleswaram Section & Range of Kakinada Division, for cluster mining for extraction of laterite, in favour of Eight different applicants mentioned at Para 1 above, in East Godavari District, subject to compliance of certain conditions as stipulated therein.

7. The State Government vide letter 7th read above, have furnished compliance report on the conditions stipulated by the Government of India, Ministry of Environment & Forests, while according in-principle (Stage.I) approval. The State Government vide further letter dated. 17-6-2013 have furnished certain additional information as desired by the Government of India, Ministry of Environment & Forests.

8. Government of India, Ministry of Environment & Forests, in their letter 8th read above, have accorded their approval under Section-2 of Forest (Conservation) Act, 1980, for diversion of 80.00 Ha. of forest land, including 4.772 ha of forest land located in safety zone, in Compt.No.703 in Girijanapuram R.L. and Compt.No.589 of Lingamparthi R.F., Lingamparthi Beat, Yeleswaram Section & Range of Kakinada Division, for cluster mining for extraction of laterite, in favour of Eight different applicants mentioned at Para 1 above, in East Godavari District, subject to compliance of certain conditions as stipulated therein.

9. Government after careful examination of the proposal, hereby accord permission to the Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad, for diversion of 80.00 Ha. of forest land, including 4.772 ha of forest land located in safety zone, in Compt.No.703 in Girijanapuram R.L. and Compt.No.589 of Lingamparthi R.F., Lingamparthi Beat, Yeleswaram Section & Range of Kakinada Division, for cluster mining for extraction of laterite, in favour of Eight different applicants mentioned at Para 1 above, in East Godavari District, subject to the following conditions.

- (i) Legal status of the diverted forest land shall remain unchanged.
- (ii) Compensatory afforestation should be raised by the State Government over the 91.487 hectares of non-forest land transferred and mutated in its favour from the funds realised from the user agency;
- (iii) The non-forest land which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section 4 or protected Forest under Section 29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980, Government of Andhra Pradesh shall submit compliance report within six months from the date of issue of the said letter;
- (iv) Following activities shall be undertaken by the User Agency at the project cost:-
 - a. Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion;

- b. Construction of check dams, retention / toe walls to arrest sliding down of the excavated material along with contour.
 - c. Stabilize the overburden dumps by appropriate grading /benching so as to ensure that angles of repose at any given place is less than 28°; and
 - d. Strict adherence to the prescribed top soil management.
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- (v) The State Government shall realize from the user agency the additional amount of Net Present Value (NPV), if so determined, as per the final decision of the Hon'ble Supreme Court of India and transfer the same to the ad-hoc CAMPA under intimation to the Ministry of Environment & Forests.
 - (vi) The User Agency shall obtain the Environment Clearance as per the provision of the Environmental (Protection) Act, 1986, before work for the project is initiated;
 - (vii) The user agency shall erect chain-link fence of suitable gauge to a height of 2.0 M around the safety zone area to prevent entry of the wildlife into the mining area;
 - (viii) Blasting in the mining areas shall be banned. Mining in the night shall not be permitted;
 - (ix) The mined area (dugout pits) shall be refilled with fertile soil and bench terracing be done, if required, besides raising plantation with tall plants of native species at the cost of the user agency as a part of reclamation of the mined area;
 - (x) Boundary of the individual mines and safety zone shall be demarcated by erecting RCC pillars to avoid disputes among the lease holders as well as to check encroachment into adjoining forests;
 - (xi) The state Government shall carry out soil and moisture conservation work in the vicinity of the mining area, and to prevent chocking of streams from the funds @ Rs.0.50 lakhs per hectares realized from the user agency for the purpose;
 - (xii) User charges equivalent to the cost of permit charges at Rs.10/- per metric tons as fixed by the State Government in G.O.Ms.No.35 EFS&T (For.I) Department Dated 6-2-2010 for the permits issued for transportation of laterite on quarterly basis shall be paid through DD in favour of the District Forest Officer, Kakinada for using the existing road;
 - (xiii) Administrative cost at the rate of Rs.10/- per metric tonne of laterite transported shall be paid by the user agency on quarterly basis for meeting the administrative expenses like maintenance of records, conveyance and communication charges, supervision and monitoring charges etc. to the District Forest Officer, Kakinada;
 - (xiv) The user agency either himself or through the State Forest Department shall undertake fencing, protection and afforestation of the safety zone area (7.5 meter strip all along the outer boundary of the area identified to undertake mining), at the project cost;
 - (xv) The user Agency either himself or through the State Forest Department shall undertake afforestation on degraded forest land, one and half time in extent to the area used for safety zone;
 - (xvi) The period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development & Regulating) Act, 1957, or Rules framed there under, subject to a maximum period of 30 years;
 - (xvii) User Agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.4), if any, located in the area within 100 M from outer perimeter of the mining lease;

- (xviii) The User Agency shall undertake de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks / water bodies, whenever required;
- (xix) The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, Government of Andhra Pradesh, and the Additional Principal Chief Conservator of Forests (Central), Ministry of Environment & Forests, Regional Office (Southern Zone), Bangalore. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Additional Principal Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed;
- (xx) No labour camp shall be established on the forest land;
- (xxi) The User Agency shall provide firewood preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas;
- (xxii) The boundary of the mining lease and safety zone shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forwarded and back bearing and distance from pillar to pillar;
- (xxiii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxiv) Any other condition that the Regional Office (Southern Zone), Bangalore of the Ministry and State Government of Andhra Pradesh may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- (xxv) The user agency shall submit annual report on compliance to conditions stipulated in the State Government and the concerned Regional Office of this ministry,
- (xxvi) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulation and Guidelines, for the time being in force, as applicable to the project.

10. The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad is directed to take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M. SAMUEL,
SPECIAL CHIEF SECRETARY TO GOVERNMENT.

To
The Principal Chief Conservator of Forests,
Andhra Pradesh, Hyderabad.

Copy to:

The Inspector General of Forests,
Government of India, Ministry of Environment & Forests,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi-110 003

The user agencies
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER.